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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO, INC. SECURITIES	:	07 MDL No. 1902 (JSR)
LITIGATION	:	
	:	
	:	
	:	ORAL ARGUMENT REQUESTED
	:	
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GEORGE L. MILLER, Chapter 7 Trustee	:	
For the Estate of Suffolk LLC,	:	
	:	
Plaintiff,	:	
	:	Case No. 09-CIV-2866 (JSR)
-against-	:	
	:	
PF SALECO LLC, GRYPHON HOLDINGS II,	:	<u>NOTICE OF MOTION</u>
LLP, GRYPHON HOLDINGS, L.P., SMS	:	
SECURITIES AG, BRUCE RAUNER,	:	
CHARLES DILL, DONALD ROSENFELD,	:	
MICHAEL DONAHUE,	:	
B. DOUGLAS MORRIS, JOHN S. WEHRLE,	:	
HF INVESTMENTS AG, and	:	
PF REPRESENTATIVE LLC,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of the Bank Defendants' Motion to Dismiss the Amended Complaint, dated April 19, 2010 and the Declaration of Ross E. Firsenbaum, dated April 16, 2010, and exhibits thereto, submitted by defendants Credit Suisse First Boston New Fund, Inc., Lab Morgan Corporation, and ML IBK Positions, Inc., which are incorporated by reference hereto, defendants PF Saleco LLC, Gryphon

Holdings II, LLP, Gryphon Holdings, L.P., Bruce Rauner, Charles Dill, Donald Rosenfeld, Michael Donahue, B. Douglas Morriss, John S. Wehrle and PF Representative LLC will move this Court before the Honorable Jed S. Rakoff, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be set by the Court, for an Order pursuant to Fed. R. Civ. 9(b) and 12(b)(6), dismissing the Amended Complaint with prejudice and for such other relief as the Court deems just and proper.

Dated: New York, New York
April 19, 2010

By: /s/ Steven J. Cohen
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